

APPROVED DEVELOPMENT CONDITIONS

SEA 79-S-031-03

August 26, 2014

If it is the intent of the Board of Supervisors to approve Special Exception Amendment SEA 79-S-031-03, located at Tax Map 88-1 ((1)) 14C, to permit a fast food restaurant with drive-through pursuant to Sections 9-503 and 9-505 of the Fairfax County Zoning Ordinance, Staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions for the subject property. (Those conditions that are identical to conditions that were included in the previous approval or that contain only minor editorial changes are marked with an asterisk*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*

2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions. The conditions of the Special Exception Amendment shall only apply to the building, parking spaces and other related facilities associated with the fast food restaurant and drive-through window.

Modifications to other uses or portions of the site which do not require a special exception may be permitted as applicable without amending this Special Exception Amendment.*

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "Alterations to McDonald's," consisting of six (6) sheets, prepared by CMS Associates, LLC, and dated June 24, 2014, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. A minimum of ten (10) stacking spaces shall be provided for the drive-through window as shown on the Special Exception Amendment Plat.*

5. Landscaping shall be provided in substantial conformance with the concepts shown on Sheet 3 as determined and approved by Urban Forest Management Division (UFMD). Any tree or shrub determined to impact existing utility easements or sight distances shall be replaced with an appropriately sized plant or relocated elsewhere on the site with a plant of equal size and quality, as determined by UFMD. Trash cans shall be placed to preclude conflicts with landscaping materials.

6. Understory evergreen and/or flowering shrubs and/or evergreen trees shall be maintained along the southern lot line as may be deemed appropriate and feasible by UFMD in order to improve screening of the parking lot area and soften headlight glare

for the residences to the south. All supplemental landscaping shall be planted and maintained in accordance with Public Facilities Manual (PFM) standards.*

7. The ingress-egress easement for the existing travel lane near the southern lot line (recorded at DB 7906, Page 1787) shall continue to be maintained.

8. Seating capacity shall be limited to a maximum of one hundred twenty-two (122) seats.*

9. The building façade shall be generally consistent with the architectural elevations provided on the SEA Plat, in terms of color, building materials, and style.

10. The trash dumpster(s) shall be screened on all four sides. The screening enclosure(s) shall be consistent in terms of color and style with the restaurant building. Doors shall consist of materials which are opaque and fully screen the dumpster(s). Other accessory on-site storage structures shall be consistent in terms of color, building materials, and style with the restaurant building and shall not obstruct parking or pedestrian access.

11. The fast food restaurant and drive-through shall be allowed to operate 24 hours each day.

12. Signage shall be in conformance with Article 12 of the Zoning Ordinance.

13. The fast food restaurant owner/operator shall be responsible for the daily removal of litter. The lease area, as identified on Sheet 2 of the SEA Plat, and the generally surrounding area shall be policed by the applicant/operator for litter removal every mid-morning, mid-afternoon, and evening.

14. All lighting, including security lighting, signage lighting, and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

15. There shall be no advertising signage and/or promotional displays including banners, flags, inflated balloons, or figures displayed on the roof, the external sides of the building, lightpoles, windows, or anywhere else on the Special Exception Amendment site, as prohibited by Article 12 of the Zoning Ordinance.*

16. Parking spaces shall meet the geometric design standards in the PFM, as determined by DPWES, prior to issuance of a Non-RUP.

17. The applicant/operators shall not allow the discharge of air contaminants generated by the restaurant or their solid waste which cause objectionable odors within adjacent residential areas. The applicant/operators shall employ, but not be limited to, the following control measures:*

A. All "putrescible" material, as defined by the Fairfax County Code Section 109.1-1-2, shall be stored in sealed containers, which are reserved exclusively for use by the restaurant. Such putrescible material shall not be shredded or unsealed.*

B. All putrescible materials shall be removed by a commercial refuse hauler from the subject property a minimum of twice a week. Said trash removal shall be confined to the hours of 9:00am to 6:00pm.*

These standards shall be in addition to any other performance standards, regulations, ordinances, or restrictions provided by the law.*

18. The applicant/operators shall not allow any plumbing fixtures, drains, appurtenances, or appliances to discharge any substance other than stormwater onto Tax Map 88-1 ((1)) 14A. Roof drainage from mechanical systems shall be diverted into an approved on-site storm sewer system or containment system. The applicant shall institute measures to prevent the discharge or deposit of any drainage from occasional work onto Tax Map 88-1 ((1)) 14A.

These standards shall be in addition to any other performance standards, regulations, ordinances, or restrictions provided by the law.

19. Sound levels generated on-site shall be in conformance with Chapter 108 of The Fairfax County Code, as may be amended.

20. A copy of these development conditions shall be posted conspicuously in the restaurant near a public entrance.*

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.